(45)

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 3734 of 2007

PETITIONER : Heeramani Shukla, Son of Shri Raghunath Prasad Shukla, aged about 57 years, Branch Manager, Bilaspur Raipur Kshetriya Gramin Bank, Branch Bilaspur (C.G.), R/o Matachaura, Seepat Road, Bilaspur, Tahsil and District Bilaspur (C.G.)

VERSUS

RESPONDENTS :
1. The Chairman, Chhattisgarh Gramin Bank, Samta Colony, Raipur Tahsil and District Raipur (C.G.)
2. The General Manager, Regional Office Chhatisgarh Gramin Bank, Vyapara Vihar, Bilaspur Tahsil and District Bilaspur (C.G.)
3. Personnel Manager, Chhattisgarh Gramin Bank Vyapar Vihar Bilaspur, Tahsil and District Bilaspur (C.G.)
4. Special Officer on Duty, Controlling Office, Chhattisgarh Gramin Bank, Bilaspur (C.G.)
5. Thandaram Rathore, at present working as Manager, Chhattisgarh Gramin Bank, Shivrinarayan Janjgir, District Janjgir-Champa (C.G.)

WRIT PETITION U/A 226/227 OF THE CONSTITUTION OF INDIA

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri Gautam Khetrapal, Advocate for the petitioner.

ORDER

(Passed on 2nd day of July, 2007)

1. Learned counsel appearing for the petitioner impugns the order dated 18.06.2007 (Annexure P/1) whereby the petitioner has been transferred on the same capacity to Shivrinarayan branch. Learned counsel makes a limited contention that since the petitioner is senior in the cadre, the petitioner should have been posted at Bilaspur and the respondent No. 5 should not have been transferred from Shivrinarayan to Bilaspur, who does not possess the same experience of service as the petitioner has. It is

submitted that the petitioner is entitled to the same pay-scale. His seniority is also not affected.

2. I fail to understand that in case of transfer, where is the question of seniority. The seniority comes into play when the case is considered for promotion or grant of other benefits. Admittedly, the petitioner's pay or seniority or other benefits in the service is not affected by the impugned transfer order. There is no merit in this case and the petitioner has also not shown right or breach thereof to invoke jurisdiction of this Court.

3. Be that as it may. It is well-settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the cases of proved malafide, non-competence of authority passing the transfer order and not being in conformity with the rules and regulations.

4. In view of the foregoing, this petition stands dismissed. No order as to costs.

5. Consequently, I.A. No. 1, application for interim relief, also stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Amit